REMARKS

[0001] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11, 13-15, 17-30, 32, and 33 are presently pending. Claims 1-4, 6, 7, 9-11, 13, 15, 17-22, 30, 32, and 33 are amended herein; claims 12, 16, and 31 are cancelled herein; and no new claims are added herein.

Formal Request for an Interview

[0002] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0003] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0004] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-4, 6, 7, 9-11, 13, 15, 17-22, 30, 32, and 33 herein.

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Substantive Matters

Claim Rejections under §112 2nd ¶

[0005] The Examiner rejects claim 8 under §112, 2nd ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicates that it is unclear what the applicant intends to claim, as the claim is a CRM claim, but depends from a method claim. (Action, page 2.) Applicant traverses this rejection.

[0006] Claim 8 is similar to an acceptable product-by-process claim in that it defines a computer-readable medium having computer-executable instructions which direct a computer to perform the method set forth in claim 1. The method is thus physically embodied in a computer-readable medium. Claim 8 is proper in its construction in that it references and is dependent from previous claim 1, and still further defines the product created having embodied thereon the method in claims 1. Moreover, the metes and bounds of claim 8 are clearly set forth in the method of claim 1 from which claim 8 depends.

[0007] The fourth paragraph of 35 U.S.C. §112 requires "a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed." Claim 8 satisfies this statutory requirement. Claim 8 is written in a format that defines, in dependent form, a computer-readable medium to perform a method, thus enabling the performance of the method set forth in claim 1.

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[0008] The format of claiming a computer-readable medium with instructions to perform a method, or a computer programmed to perform the method, was approved in *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995). The primary difference between the *Beauregard* claims and claim 8 is that claim8 is written in a dependent format. Often this format raises an initial concern because the preambles of the dependent claims differ from the base claims. However, the present dependent claims also comply with a format approved by the Board of Patent Appeals and Interferences in *Ex parte Adrianus P.M.M. Moelands*, 3 USPQ2d 1474 (PTO Board of Pat App and Int 1987). In *Moelands*, the Board upheld as appropriate the following dependent claim to a data transmission system:

> 11. A data transmission system comprising:
> at least two of the data transmission stations of claim 10;
> a clock bus interconnecting the clock terminals of the stations; and
> means which maintain the clock bus at the second voltage level in the absence of forcing by the stations.

[0009] Although the preamble in *Moelands'* claim 11 to a "data transmission system" is different than the preamble in claim 10 to a "data transmission station", the Board held that this dependent claim format satisfies the statutory requirements of both the second and fourth paragraphs of 35 U.S.C. §112.

[0010] Accordingly, claim 8 is in an acceptable dependent format and is in condition for allowance. Applicant respectfully requests that the rejection to claim 8 be withdrawn.

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Claim Rejections under §§ 102 and/or 103

[0011]   The Examiner rejects claims 1, 2, 6-12, 15, 20-26, and 30 under §102. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

[0012]   In addition, the Examiner rejects claims 3-5, 13, 14, 16-19, 27-29, and 31-33 under §103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0013]   Accordingly, Applicant respectfully requests that the §102 and/or §103 rejections be withdrawn and the case be passed along to issuance.

[0014]   The Examiner's rejections are based upon the following references alone and/or in combination:

- **Gazzetta:** *Gazzetta, et al.,* US Patent Application Publication No. 2004/0083297 (published 4/29/04; priority date 10/25/02); and
- **Malik:** *Malik, et al.,* US Patent No. 7,016,978 (issued 3/21/06; filed 4/29/02).

Overview of the Application

[0015]   The Application describes a technology for enterprise management of public instant message communications.

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Cited References

[0016]   The Examiner cites Gazzetta as the primary reference in the anticipation- and/or obviousness-based rejections. The Examiner cites Malik as a secondary reference in the obviousness-based rejections.

Gazzetta

[0017]   Gazzetta describes an enterprise messaging system that can connect users within an enterprise, between different enterprises, and/or with users of public instant messaging networks. (Gazzetta, paragraph [0006]).

Malik

[0018]   Malik describes a technology for establishing a communications link between a first user registered with a first service provider network and at least one user registered with a second service provider network, where the two networks operate using different protocols.

Anticipation Rejections

[0019]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1]   Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

Based upon Gazzetta

[0020]   The Examiner rejects claims 1, 2, 6-12, 15, 20-26, and 30 under 35 U.S.C. § 102(e) as being anticipated by Gazzetta.   Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0021]   Applicant submits that Gazzetta does not anticipate this claim, as amended, because it does not disclose the following elements as recited in this claim (emphasis added):

A method implemented by a public instant message (IM) service, the method comprising:

the public IM service receiving a request from a user to connect to the public IM service;

---

[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

the public IM service determining that the user is associated with a particular domain; and

based on a determination that the user is associated with the particular domain, **the public IM service redirecting the request** to an IM gateway server that is associated with the particular domain.

[0022] In the Office Action, the Examiner cites Gazzetta, paragraph [0037], lines 4-8 as disclosing, "receiving a request to connect to a public instant message (IM) service." (Action, page 3.)

[0023] The cited portion of Gazzetta states:

> In step 225 of this embodiment, a messenger client 204 connects to an authentication server 210 to verify the user identity. In an embodiment, the user identity is verified by presenting login and password credentials to the authentication server 210.

[0024] Gazzetta is clear that each enterprise has its own authentication server, and makes a distinction between the authentication server and the service provider (e.g., instant messaging service provider). (See, a least, Gazzetta, paragraphs [0019], [0023]-[0026], and [0036].) The cited portion of Gazzetta describes a messenger client connecting to an authentication server to verify the user identity. Accordingly, the cited portion of Gazzetta does not disclose, "the public IM service receiving a request from a user to connect to the public IM service," as recited in amended claim 1.

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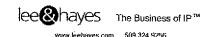www.leehayes.com   509.324.9256

[0025] In the Office Action, the Examiner cites Gazetta, paragraph [0039], lines 7-17 as disclosing, "redirecting the request to an IM gateway server that is associated with the domain." (Action, page 3.)

[0026] The cited portion of Gazzetta states:

> Once the authentication request is validated, at step 250 the service provider returns a unique token to the authentication server 210. In an embodiment, the token includes an encoded form of the enterprise ID, the authentication ID, and a time stamp indicated the time when the token was created. In an alternate embodiment, this information is not directly encoded in the token. Instead, the token is a randomly assigned value. The enterprise ID, the authentication ID, the time stamp, and the token's randomly assigned value are stored by the service provider for future matching.

[0027] This portion of Gazzetta indicates that a token is returned from the service provider to the authentication server. However, Applicant fails to see how this portion of Gazzetta discloses, "based on a determination that the user is associated with the particular domain, the public IM service **redirecting the request** to an IM gateway server that is associated with the particular domain," as recited in claim 1, as amended. Returning a token, as described in Gazzetta, is not the same as "redirecting the request," as recited in the claim.

[0028] Consequently, Gazzetta does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant respectfully requests that the 102 rejection of claim 1 be withdrawn.

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Dependent Claims 2, 6-8

[0029]   These claims ultimately depend upon independent claim 1.   As discussed above, claim 1 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0030]   For example, regarding <u>claim 2</u>, Applicant submits that Gazzetta does not anticipate claim 2 because it does not disclose the following elements (emphasis added):

the public IM service identifying a user ID associated with the request;

the public IM service determining a domain associated with the user ID; and

the public IM service **determining that requests for connections to the public IM service from users associated with the domain associated with the user ID are to be redirected.**

[0031]   In the Office Action, the Examiner cites Gazzetta, paragraph [0041], lines 16-19 as disclosing "determining that requests for connections to the public IM from users associated with the domain are to be redirected." (Action, page 5.)

[0032]   The cited portion of Gazzetta states:

> Once the token has been validated by the service provider 220, at
> step 280 the service provider 220 connects the messenger client to
> the enterprise messaging systems.

[0033]   The cited portion of Gazzetta describes the next step in a process that is described in Gazzetta paragraphs [0037]-[0044]. Applicant fails to see any mention of any type of "determining" performed by the service provider of Gazzetta. The cited portion of Gazzetta describes a connection that is established after validating a token, but fails to disclose, "determining that requests for connections to the public IM service from users associated with the domain associated with the user ID are to be redirected," as recited in claim 2.

[0034]   Accordingly, claim 2 is allowable over Gazzetta, by virtue of its dependence on claim 1 and for at least this additional reason. Therefore, Applicant respectfully requests that the 102 rejection of claim 2 be withdrawn.

Independent Claim 9

[0035]   Claim 9 is amended herein, rendering the 102 rejection of claim 9 moot. Furthermore, Applicant submits that claim 9 is allowable over the cited art of record at least because the cited art of record does not disclose the following elements as recited in this claim (emphasis added):

the public IM service **accessing domain-specific policy data** associated with the domain;

the public IM service **denying the request** to connect to the public IM service based on the domain-specific policy data.

[0036] Accordingly, Applicant respectfully requests that the 102 rejection of claim 9 be withdrawn.

Dependent Claim 10

[0037] Claim 10 is amended herein, rendering the 102 rejection of claim 10 moot. Furthermore, claim 10 depends upon independent claim 9, which, as discussed above, is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Furthermore, none of the cited references disclose, "domain specific policy data indicates that connection requests associated wit the domain are to be redirected," as recited in claim 10.

[0038] Accordingly, claim 10 is allowable by virtue of its dependence on claim 9 and for at least this additional reason. Therefore, Applicant respectfully requests that the 102 rejection of claim 10 be withdrawn.

Independent Claim 11

[0039] Claim 11 is amended herein to include elements recited in original claim 12. Applicant submits that Gazzetta does not anticipate this claim, as amended, because it does not disclose the following elements as recited in this claim (emphasis added):

receiving at a gateway server, a public instant message (IM) service connection request from a user;

the gateway server verifying that the user is authorized to access the gateway server;

the gateway server verifying that the user is authorized to participate in public IM communications;

the gateway server modifying the public IM service connection request to include data that identifies the gateway server; and

the gateway server forwarding the public IM service connection request to a public IM service.

[0040] In the Office Action, the Examiner cites Gazzetta, paragraph [0037], lines 4-8 as disclosing, "verifying that the user is authorized to participate in public IM communications." (Action, page 7.)

[0041] The cited portion of Gazzetta states:

In step 225 of this embodiment, a messenger client 204 connects to an authentication server 210 to verify the user identity. In an embodiment, the user identity is verified by presenting login and password credentials to the authentication server 210.

[0042] The cited portion of Gazzetta indicates that a messenger client connects to an authentication server to verify the user identity. While Gazzetta may describe *verifying a user's identity*, the cited portion of Gazzetta makes no mention of determining whether or not the user is *authorized to participate in public IM communications*, as recited in amended claim 11.

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[0043] Consequently, Gazzetta does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant respectfully requests that the 102 rejection of claim 11 be withdrawn.

Dependent Claim 12

[0044] Claim 12 is cancelled herein. The elements recited in claim 12 have been incorporated in to claim 11, as discussed above.

Independent Claim 15

[0045] Claim 15 has been amended, rendering the 102 rejection of claim 15 moot. Claim 15, as amended, includes elements found in original claim 16, which has been canceled. Accordingly, claim 15, as amended, is addressed below based on the Examiner's 103 rejection of claim 16.

Dependent Claims 20-26

[0046] These claims ultimately depend upon independent claim 15. As discussed below, claim 15 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0047] For example, regarding <u>claim 20</u>, Applicant submits that Gazzetta does not anticipate claim 20, as amended, because it does not disclose the following elements (emphasis added):

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The system as recited in claim 15 wherein *the public IM service* **further comprises an enterprise-specific data log** configured to store data associated with public IM communications directed to or from a user associated with a particular enterprise.

[0048] In the Office Action, the Examiner cites Gazzetta, paragraph [0070], lines 1-3 and paragraph [0006], lines 1-3 as disclosing "data log is implemented as a component of the public instant message service." (Action, page 7.) Applicant respectfully disagrees.

[0049] The cited portions of Gazzetta state:

An enterprise messaging system can connect users within an enterprise, between different enterprises, and/or with users of public instant messaging networks.

and

In yet another embodiment, the enterprise messaging administration tool 625 can configure an archiving server to archive all enterprise messaging activity.

[0050] While the cited portion of Gazzetta (paragraph [0070]) mentions an archiving server to archive all enterprise messaging activity, there is no indication that such a server is implemented as a component of the public instant message service. Furthermore, Gazzetta, paragraph [0070] goes on to states, "each messaging client sends a duplicate of messages sent or received to a URL specified by the enterprise administrator. As such, the logging of communications is managed by the client, not by the public IM service.

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[0051] Accordingly, claim 2 is allowable over Gazzetta, by virtue of its dependence on claim 15 and for at least this additional reason. Therefore, Applicant respectfully requests that the 102 rejection of claim 20 be withdrawn.

Independent Claim 30

[0052] Claim 30 has been amended, rendering the 102 rejection of claim 30 moot. Claim 30, as amended, includes elements found in original claim 31, which has been canceled. Accordingly, claim 30, as amended, is addressed below based on the Examiner's 103 rejection of claim 31.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0053]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Gazzetta in view of Malik

[0054]   The Examiner rejects claims 3-5, 16-19, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta in view of Malik.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 3-5

[0055]   These claims ultimately depend upon independent claim 1.   As discussed above, claim 1 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0056]   For example, with regard to claim 3, the Examiner indicates that Gazzetta is relied on for teaching the elements of claim 1 and Malik is relied on for teaching the additional elements recited in claim 3. The Examiner cites Malik, column 6, lines 34-42 as disclosing "transmitting a transfer command to a client

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application from which the request was received, the transfer command indicating the redirection address to which the request is to be submitted." (Action, page 9.)

[0057]   The cited portion of Malik states:

> The Universal IM server connected to the second ISP then transmits back to the Universal IM server on the first ISP the routing information and the Presence information associated with the second user. The first Universal IM server then establishes an instant message session based on the routing and Presence information returned from the Universal IM server using the extensive markup language (XML protocol).

[0058]   The cited portion of Malik indicates that routing and presence information is transferred from one Universal IM server to another Universal IM server, and that an IM session is established. The cited portion of Malik makes not mention of a "transfer command" that indicates a redirection address. Furthermore, the cited portion of Malik makes no mention of a client application from which the request was received. Accordingly, Malik does not teach or suggest, "transmitting a transfer command to the client application from which the request was received, the transfer command indicating the redirection address to which the request is to be submitted," as recited in claim 3.

[0059]   Accordingly, for at least these additional reasons, claim 3 is allowable over Gazzetta in view of Malik, and Applicant respectfully requests that the 103 rejection of claim 3 be withdrawn.

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Dependent Claims 16-19

[0060] Claim 16 has been canceled. The elements of claim 16 have been incorporated into independent claim 15. Accordingly, claim 15, as amended, will now be addressed.

[0061] Applicant submits that the combination of Gazzetta and Malik does not teach or suggest the following elements of claim 15, as amended (emphasis added):

a public instant message service configured to enable public instant message communications between two or more users, **wherein the public instant message service comprises:**

an instant message connect domain store configured to store domain names that identify domains for which instant message service connection requests are to be redirected; and

a dispatch server configured to:

receive a connection request from a user through an instant message client application;

determine whether the connection request is being received from an instant message gateway server;

in an event that the connection request is not being received from an instant message gateway server, determine whether the connection request is from a user associated with a domain identified in the instant message connect domain store; and

in an event that the connection request is from a user associated with a domain identified in the instant message

connect domain store, issuing a transfer command to the instant message client application, the transfer command including a redirection address.

[0062] In the rejection of claim 16, the Examiner cites Gazzetta paragraph [0039, lines 1-7 as disclosing "an instant message connect domain store configured to store domain names for which instant message service connection requests are to be redirected." (Action, page 10.)

[0063] The Examiner further states that, "Gazzetta system does not directly send user requests to the service provider, but they are sent via the authentication server." (Action , page 11.) The Examiner then states that, "Malik discloses when a connection request is determined to be from a user (column 6, lines 13-19), issuing a transfer command to the instant message application, the transfer command including a redirection address (column 6, lines 34-43).

[0064] The first cited portion of Malik describes a user request being transmitted to a local IM server, and determining whether a second user is associated with the same ISP with which the local IM server is associated. The second cited portion of Malik describes establishment of an instant messaging session based on routing and presence information associated with the second user. However, neither of the cited portions of Malik describe the claimed dispatch server, which is part of the public IM service, being configured to:

> in an event that the connection request is not being received from an instant message gateway server, **determine whether the connection request is from a user associated with a domain identified in the instant message connect domain store.**

[0065] Neither of the cited references describe the public IM service determining whether a received connection request is from a user associated with a domain identified in an instant message connect domain store. Accordingly, for at least these reasons, claim 15, as amended, is allowable over Gazzetta and over Gazzetta in view of Malik, and Applicant respectfully requests that the rejection of claim 15 be withdrawn.

[0066] Claims 17-19 ultimately depend upon independent claim 15. As discussed above, claim 15 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 31

[0067] Claim 31 has been canceled. The elements of claim 31 have been incorporated into independent claim 30. Accordingly, claim 30, as amended, will now be addressed.

[0068] Applicant submits that the combination of Gazzetta and Malik does not teach or suggest the following elements of claim 30, as amended (emphasis added):

> One or more computer-readable media comprising computer-readable instructions which, when executed, cause **a public instant message service to**:
> receive a request to establish a connection with the public instant message service;

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determine whether the request is being received through an instant message gateway server;

in an event that the request is being received through an instant message gateway server:

authenticate an identity of the instant message gateway server;

authenticate an identity of a client application through which a user submitted the request; and

establish a connection between the public instant message service and the client application through the instant message gateway server; and

in an event that the request is not being received through an instant message gateway server:

determine whether the user is associated with a domain for which connection requests are to redirected; and

in an event that the user is associated with a domain for which connection requests are to be redirected, redirect the connection request to an instant message gateway server associated with the domain.

[0069]   In the rejection of claim 31, the Examiner refers to the rejection of claim 16.   In the rejection of claim 16, the Examiner states that, "Gazzetta system does not directly send user requests to the service provider, but they are sent via the authentication server." (Action , page 11.)   The Examiner then states that, "Malik discloses when a connection request is determined to be from a user (column 6, lines 13-19), issuing a transfer command to the instant

message application, the transfer command including a redirection address (column 6, lines 34-43).

[0070]   The first cited portion of Malik describes a user request being transmitted to a local IM server, and determining whether a second user is associated with the same ISP with which the local IM server is associated. The second cited portion of Malik describes establishment of an instant messaging session based on routing and presence information associated with the second user.   However, neither of the cited portions of Malik describe the claimed computer-readable media comprising computer-readable instructions which, when executed, cause **a public instant message service** to:

> determine whether the user is associated with a domain for which connection requests are to redirected; and
>
> in an event that the user is associated with a domain for which connection requests are to be redirected, redirect the connection request to an instant message gateway server associated with the domain.

[0071]   Neither of the cited references describe the public IM service determining whether a received connection request is from a user associated with a domain for which connection requests are to be redirected. Accordingly, for at least these reasons, claim 30, as amended, is allowable over Gazzetta and over Gazzetta in view of Malik, and Applicant respectfully requests that the rejection of claim 30 be withdrawn.

Based upon Gazzetta and Official Notice

[0072]   The Examiner rejects claims 13, 14, and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta in view of what was well known in the art at the time of the invention. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 13 and 14

[0073]   These claims ultimately depend upon independent claim 11. As discussed above, claim 11 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claims 27-29

[0074]   These claims ultimately depend upon independent claim 15. As discussed above, claim 15 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

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Based upon Gazzetta, Malik, and Official Notice

[0075]   The Examiner rejects claims 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta and Malik in view of what was well known in the art at the time of the invention. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 32 and 33

[0076]   These claims ultimately depend upon independent claim 30. As discussed above, claim 30 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, one or both of these claims may also be allowable for additional independent reasons.

Dependent Claims

[0077]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0078]   All pending claims are in condition for allowance.   Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 12/31/07

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